

REMARKS

Claims 1-23 are currently pending in the application. It is greatly acknowledged that the Examiner has allowed Claim 12 and the Examiner withdrew his prior §103(a) rejection of Claim 9 based on the cited references of Whittington (U.S. Patent 5,954,426) in view of Mitchell (U.S. Patent 4,167,783). It is also gratefully acknowledged that Claims 10 and 11 have been objected to.

Claims 1, 18 and 19 are rejected under 35 U.S.C. §102(b) as being anticipated by Whittington. Claims 2-8 and 13-17 are rejected under 35 U.S.C. §103(a) as being obvious over Whittington in view of Smith (U.S. Patent 3,387,896). Claims 9 and 20 are rejected under 35 U.S.C. §103(a) as being obvious over Whittington in view of newly cited reference of Ching (U.S. Patent Publication No. 2002/126,492).

Independent Claims 1 and 18 have been amended to further clarify that a ratio of the length of the base to the width of the pedestal is within *a predetermined ratio of 5:1 to 6:1 to provide stability to the floor lamp*. Independent Claim 13 has been amended to further clarify that a ratio of the length of the base to the width of the pedestal is within *a predetermined ratio of 4:1 to 6:1 to provide stability to the floor lamp*. Claim 4 is cancelled without prejudice.

In contrast to the recitations of amended Claims 1 and 18, Whittington merely teaches a lamp including a base 20 having a mounting portion 22 and a resting flange 24 with at least two elongated tubes 40 mountable to the mounting portion 22 of the base 20. As stated by the Examiner, Whittington provides a length/width ratio of approximately 3:1 to minimize or prevent tip over. In addition, and more particularly, Whittington discloses mounting spikes 26 provided specifically to stabilize the lamp. Accordingly, Whittington fails to teach or suggest at least the recitation of *a ratio of the length of the base to the width of the pedestal is within a predetermined ratio of 5:1 to 6:1 to provide stability to the floor lamp*, as in amended Claims 1 and 18, thereby minimizing or preventing the floor lamp falling even when tipped at a predetermined angle, without the additional mounting spikes as required by Whittington.

As recited in MPEP §706.02(IV), “for anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” As Whittington clearly does not teach a floor lamp having a base having a ratio of the length of the base to the width of the pedestal being within a predetermined ratio of 5:1 to 6:1 to provide stability to the floor lamp, as in amended Claims 1 and 18, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 1 and 18 as being anticipated by Whittington. Withdrawal of the rejection is respectfully requested.

Claims 2, 3 and 5-11 depend from Claim 1 and are believed to be allowable for at least the same reasons as Claim 1. Claim 19 depends from Claim 18 and is believed to be allowable for at least the same reasons as Claim 18.

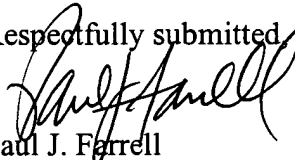
With regard to the rejection of independent Claim 13, a similar argument to that described above with respect to amended Claims 1 and 18 is also applicable.

Nowhere does Smith disclose a floor lamp having a base having a a ratio of the length of the base to the width of the pedestal is within a predetermined ratio of 4:1 to 6:1 to provide stability to the floor lamp, as recited in amended Claim 13; consequently, Smith does not cure the defects of Whittington. Therefore, amended Claim 13 is not made obvious by Whittington in view of Smith. Withdrawal of the rejection is respectfully requested.

Claims 14-17 depend from independent Claim 13, therefore Claims 14-17 are not made obvious by Whittington in view of Smith for at least the reasons that Claims 13 is not made obvious by Whittington in view of Smith.

For the foregoing reasons, it is respectfully submitted that Claims 1-3 and 5-20 as presented herein are in condition for allowance. Such early and favorable action is earnestly solicited. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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